

No. SE/Karnal/Circle/PWD/B&R/867/R.—Whereas it appears to the Governor of Haryana that land is likely to be needed to be taken by Government at public expense for a public purpose, namely, for the construction of Samalkha to Jourasi Road; it is hereby notified that the land in the locality specified below is likely to be acquired for the above purpose.

The notification is made under the provision of section 4 of the Land Act, 1894, for all to whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor of Haryana is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested who has any objection to the acquisition of any land in the locality may within 30 days of the publication of this notification file an objection in writing before the Land Acquisition Collector, P.W.D., B. & R. Branch, Ambala Cantt.

#### SPECIFICATION

District	Tehsil	Village	Area in acres	Boundary
Karnal	Panipat	Samalkha, H. B. No.	1.81	36 6, 7/1, 7/2, 12, 13/1, 13/2, 14, 15/1, 15/2, 18
				37 1/1, 1/2, 2/1, 2/2, 2/3, 9, 10
Karnal	Panipat	Pouti, H. B.	3.26	95—195—516 7            8 —      —      56 23            3
Karnal	Panipat	Bhapura, H. B. No.	1.17	65
Karnal	Panipat	Jourasi Khalsa H. B. No.	5.83	101—125—126—127—128—129
Karnal	Panipat	Jourasi Sarof Khas. H. B. No.	3.56	36—146—147—148—149 21

(Sd.), . . .  
Suprintending Engineer  
Karnal Circle P.W.D., B.&R. Branch, Karnal.

#### LABOUR DEPARTMENT

The 28th July, 1982

No. 9(1)-82-6 Lab./6746.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of Haryana Roadways, Karnal.

BEFORE SHRI BANWARI LAL DALAL, PRESIDING OFFICER, LABOUR COURT, HARYANA,  
ROHTAK

Reference No. 206 of 1980

between

SHRI NET RAM, WORKMAN AND THE MANAGEMENT OF M/S. HARYANA ROADWAYS,  
KARFAL

Present.—

Shri S. N. Vats, for the workman.  
Shri S. N. Gaur, for the management.

## AWARD

his reference has been referred to this court by the Hon'ble Governor,—*vide* his order No. ID/KNL/90-80/50701, dated 23rd September, 1980 under section 10(i)(c) of the J. D. Act for adjudication of the dispute existing between Shri Net Ram, workman and the management of M/s Haryana Roadways, Karnal. The term of the reference was :—

Whether the termination of services of Shri Net Ram, was justified and in order? If not, to what relief is he entitled?

On the receipt of the order of reference notices as usual were sent to the parties. The parties put in their appearance, filed their respective pleadings, on the basis of which the following issues were framed :—

1. Whether the enquiry conducted by the management was fair and proper?
2. As per the term of reference?

The management examined Shri Ved Parkash, Assistant Haryana Roadways, Karnal and Shri Shankar Dass, Assistant General Manager Haryana Roadways, Delhi as their witnesses and closed their case after tendering the enquiry file in the evidence. The workman examined himself as his only witness and closed his case. I heard the learned representatives of the parties and have also gone through the evidence on the record and decide the issues as under :—

ISSUE No. 1 :—

The workman has assailed the enquiry on various grounds namely the Enquiry Officer did not issue any letters to him intimating the date of enquiry and he was simply called by order as such was deprived of the opportunity of defence. The defence witnesses statements were not recorded by the Enquiry Officer which shows the partiality of the Enquiry Officer. The Enquiry Officer did not record his statement. The workman was not supplied with the copy of the complaint nor with the list of allegations and witnesses and documents relied on by the management. The workman was also not afforded a sufficient opportunity of defence.

On the other hand the management denied the allegations of the workman as incorrect and pleaded that the workman was supplied with summary of allegations, list of witnesses and copies of documents to be relied upon alongwith the chargesheet under proper receipt. Regular departmental enquiry was held. The Enquiry Officer recorded the statement of prosecution witnesses in the presence of the workman and afforded him opportunity of cross-examination who cross-examined the prosecution witnesses. The workman was provided opportunity of defence but he failed to adduce any evidence inspite of two opportunities. However workman examined himself in his defence. The management denied that the Enquiry Officer acted as presenting officer of the department. The workman never pointed out before the Enquiry Officer that he wanted time for preparation of his case.

From the statement of the Enquiry Officer it is clear that the Enquiry Officer gave sufficient reasonable opportunity of defence to the workman and the statements of the prosecution witnesses were recorded in the presence of the workman who was given the opportunity to cross-examine the management witnesses and the workman availed of that opportunity and put questions to the management witnesses. The workman was allowed two opportunities to produce his defence. One on 8th December, 1978 and one through letter dated 28th December, 1978 which was duly received by the workman who had put his signatures on these letters in token of receipt of the same. Though the workman has denied his signatures on Ex. M-6 which is letter dated 28th December, 1978 but the bare perusal of the signatures and by comparison with his signatures on other documents it can easily be said that the signatures on Ex. M-6 are the genuine signatures of the workman. The contention of the workman that in the letter dated 28th December, 1978 no date, time place of enquiry was given and as such is a vague letter which does not specify the date, place and time but in my opinion this is a lame excuse. The workman had been appearing before the Enquiry Officer on the previous date also and till no charge is intimated the same place and time as was on previous occasions and the date though not specified was to be any of the dates within seven days time as given in the letter. The allegation of the workman that the enquiry Officer also acted as prosecutor is not true as from the enquiry record it is clear that the Enquiry Officer neither put any questions to the prosecution witnesses nor cross-examined the workman. The findings of the Enquiry Officer are also based on the evidence produced before him and as such cannot be said to be perverse. I, therefore, hold that the enquiry conducted by the management is fair and proper and in accordance with the principles of natural justice. I accordingly decide this issue in favour of the management.

## ISSUE No. 2:

From the report of the Inspectors on which the charge-sheet was issued to the workman, it is clear that alongwith the workman the complaint was made against the driver also. The workman confronted MW-2 with Ex. W-1 which is the charge-sheet issued to the Driver. MW-2 showed his ignorance about the driver having been charge-sheeted but he recognised the signatures of the General Manager on Ex. W-1. The workman deposed that the driver Shri Prem Chand was also charge-sheeted but no enquiry was conducted against him as the complaint filed by him in the Court of Judicial Magistrate was withdrawn on pressure being put by the Traffic Manager and a settlement was reached between them at the instance of the Traffic Manager. The Enquiry Officer never called the driver Prem Chand as a witness inspite of his request to him in order to find out the truth as to who was driving the bus. He had also written in his reply to the charge-sheet that the driver be asked about the fact as to who was driving the bus but the driver was not called to explain the truth. The workman has further stated that Shri O. P. Sehra Inspector complainant had asked him to give something in writing against the driver because the driver has filed a complaint against Shri O.P. Sehra but on his refusal to do so a false case was made against him. The management representative had not touched the workman on the above facts in his cross-examination which goes to establish that the statement made by the workman was based on true facts which the management failed to contradict. In my opinion the workman has been discriminated and as such victimised because the management had not taken any action against the driver who was charge-sheeted alongwith the workman and when the workman had been found guilty of the charges, the driver too was equally guilty of the charge mentioned in the charge-sheet. Even otherwise the workman cannot be held guilty of both the charges namely driving the bus and of the embezzlement of the amount of Rs. 10.80 paise at the same time. Either he could be held guilty of driving the bus or for charging the fare from the passengers and for not issuing tickets to them and it is also pertinent to mention here that how all the passengers who got down the bus at police station came towards the bus stand where the Inspectors were standing and neither of the passengers went the other way in some different direction. I am not sitting in appeal against the finding of the Enquiry Officer but only hold that the workman has been discriminated and hence victimised and as such he deserves to be sympathised. I, therefore, set aside the order of termination and reinstate the workman with continuity of service but without back wages. The reference is answered and returned accordingly.

Dated the 25th June, 1982.

BANWARI LAL DALAL,

Presiding Officer,  
Labour Court Haryana,  
Rohtak.

Endorsement No. 1529, dated 29th June, 1982.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the I. D. Act.

BANWARI LAL DALAL,

Presiding Officer,  
Labour Court Haryana,  
Rohtak.

H. L. GUGNANI,

Commissioner & Secretary to Government Haryana,  
Labour & Employment Department.